(v)	Allowance to the Taluk clerk at Rs. 5 per mensem	,,	35
(vi)	Travelling allowance to the Revenue Inspectors and Parvatiams	,,	315
	Total	Rs.	1,162

The Parvatiams get a consolidated travelling allowance of Rs. 10 each, and the Revenue Inspector the actual travelling allowance he is entitled to according to the rules.

The renewal of the Travancore holdings is expected to bring in an additional permanent revenue of Rs. 1,500 per annum. There will also be an additional revenue of about Rs. 1,500 in the current year in the shape of renewal fees, back rent, etc. I have not taken credit for these items in the budget estimates for 1101. Thus the House, I hope, will not hesitate to vote for the small additional grant applied for.

Mr. P. Damodara Menon.—Sir, I second it.

Mr. K. T. Mathew.—I had sent a question regarding the Staff Selection Board. I was told that it is a prerogative of His Highness, and regarding that I have sent a communication giving my reasons. Only after receiving an answer to that question, I can offer any remarks as to whether this grant is to be allowed or not.

President.—The matter has not been disposed of. Here it is only a supplementary grant under Land Revenue, Temporary Establishment.

Mr. K. T. Mathew.—It requires some appointments. The policy of appointments I have discussed in the previous meeting. What I want to know is whether the Government is aware of that fact. Remarks can only be offered after getting this reply. I think I can carry this point to the next budget session.

The motion was put to the vote and the demand was allowed.

The following motion of Mr. K. T. Mathew was considered to have been withdrawn, as it was not moved:—

To reduce by one rupee the supplementary demand for Rs. 1,162 under Land Revenue.

Mr. E. Ikkanda Wariar's Cochin Municipal Regulation Amendment Bill.

Mr. E. Ikkanda Wariar.—Sir, I beg to move that the Bill to amend the Cochin Municipal Amendment Regulation be read in this Council.

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Mr. S. F. Nunez.—Sir, I second it.

President.—It is now your turn, Mr. Ikkanda Wariar, to explain the principles and the general provisions of the Bill.

Mr. E. Ikkanda Wariar.—Sir, I have given the main reasons that actuated me to bring this Bill, in the statement of objects and reasons sent by me along with the Bill. I have also spoken at some length upon that subject, when I made the motion for leave to introduce this Bill. The first question that suggests itself to me and, I think, to all of you is what is the object of the Legislature in introducing those provisions which I seek to repeal in the Municipal Regulation? Those provisions, you are aware, are given in sections 156 and 172. Section 156 relates to what are technically called "offensive and dangerous trades" and 172 to the license of fishmongers and others dealing with flesh or meat. There is one difference between these two sections which I shall bring to your notice presently, and it is this. Section 172 makes it obligatory upon the Municipal Councils to levy license fees from persons carrying on those trades within a radius of three miles outside the Municipal area. Section 156 gives an option to the Municipal Councils, and they have to go through certain formalities before that section is brought into force. Since there seems to be some misapprehension about the object for which these provisions are introduced in the Regulation, I think I will be justified in dealing with it a little elaborately. We get a clue from schedule V, clause (p). It runs thus:—

"In general, storing any explosive or combustible material, manufacturing anything from which offensive or unwholesome smells arise, using for any industrial purpose any fuel or machinery or doing in the course of any industrial process anything which is likely to be dangerous to human life or health or property."

I find similar reasons given in the *Manual of Hygiene and Public Health* written by Jeherdas, on page 125.

"Certain trades or industries require to be supervised by sanitary authorities, partly on account of their being a source of nuisance, because the smell or effluvia which they give might act injuriously on the health of the people, and partly also on account of the materials or processes employed having an influence prejudicial either to the health of the workmen or the surrounding populations. All industries should be under the control of some sanitary law and subjected to frequent inspections. The supervising staff should be properly organised, and

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the system of inspection, in which women should also take part, should ensure the enforcement of the laws and regulations for the protection of the employed. All such businesses should be carried on in isolated localities."

So the main object of the Legislature in enacting such a provision in the Municipal Regulation is to bring what are called "offensive trades" under the control of some sanitary law so that they might be subjected to frequent inspections. That is the only object. If that is the only object, let us see whether this object can be achieved to our Municipalities without the aid of these provisions in the Municipal Regulation.

Outside the Municipalities, there are three agencies at work to regulate these trades. Firstly, the Panchayats. As you all know, like Municipalities it is also a self-governing institution. It is also given certain powers in the matter of sanitation and the improvement of health. The very preamble of the Panchayat Regulation says that one of the objects of establishing Panchayats, is to entrust to them certain public duties such as the improvement of sanitation, prevention of epidemics and the distribution and regulation of good water supply. Consistently with that object, the duties and responsibilities of the members of the Panchayats are specified in section 11. Clause (g) of that section read thus:—"attending to all matters relating to the improvement of village sanitation, such as prevention of epidemic diseases, cleaning of roads, etc., and generally, doing such things as may be necessary for the preservation of the health of the public". The Government found that these provisions alone were not sufficient for carrying out the above said objects, and so it further amended the Regulation by Regulation III of 1097. There you will find in section 10 that 2 clauses were added to section 11 of the first Panchayat Regulation, and they are:—(1) the control of cattle-pounds and (2) the construction and control of markets, slaughter-houses, cart-stands and cattle-stands. You will also find further down in section 11—B of the Regulation of 1097 that powers are given to Panchayats to enforce the powers that are given to them under this Regulation. It is this:—

"Subject to such rules as may be made by the Government in this behalf, a Village Panchayat shall have power to do all acts and to require by notice any owner or occupier of any land within the area under its control to do any act or execute any work necessary for or incidental to the carrying out of the functions entrusted to it. If any work required by notice under this section is not executed within the period specified in the notice, the Panchayat may by itself cause such work to be carried out

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and the cost of such work or part thereof may be recovered from the owner or occupier of the land concerned as if it were an arrear of Land Revenue ".

Rules have been framed under section 11—B by the Government which give the Panchayatdars powers to enter into the premises of the people and do certain acts. Rule 14 is relevant in this connection.

"All rules made under the foregoing sections by the Government shall be published in the Cochin Government Gazette, and upon such publication shall have effect as if enacted in this Regulation."

You find from all these that the Panchayats have powers, if they wanted, to prevent the nuisances that are caused by the offensive and dangerous trades. It may be interesting to see how these offensive trades cause nuisance. This is what Jaherdas says about it:—

"The effluvia arising from tallow-melting, offal-boiling, soap-boiling, bone-crushing, shell-burning and lac dye-making are offensive and give rise to head-ache, nausea and diarrhea. Unless proper precautions are taken, and arrangements made for the disposal of wastes, offensive trades such as tanneries, bone-boiling, etc., should be located in isolated portions and not near any source of watersupply."

From this you will find that these offensive trades can affect only the population living in the immediate neighbourhood. Such places are certainly within the jurisdiction of Panchayats. These Panchayats are interested in seeing to the sanitation and the health of the people within their area, and so it is their primary concern to do what is necessary for them, and they have power to do it. The fact that they are not doing anything now simply shows that there is absolutely no necessity for it. These provisions in the Regulation are now enforced in the Trichur and Ernakulam Municipalities.

President.—They are attempting it.

Mr. E. Ikkanda Wariar.—Yes, Sir. They are attempting it. Steps have been taken by them to license these trades, and I ask whether there have been any specific instances of any particular trade, that is offensive, conducted outside the Municipality, having injuriously affected the health of the town. There has been absolutely no case in Trichur, and I can assert that from my own personal knowledge. As regards Ernakulam, I met the present Chairman yesterday, and he told me that there

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has been no trade of that kind, and that at present such power is not necessary for Municipal Councils. Again, I met an Ex-Chairman of the Ernakulam Municipality who had occupied that position for a longer period than any other gentleman, and he also told me that for 30 or 50 years to come there is no necessity for such a provision in the Municipal Regulation. In Trichur it was primarily started as a commercial concern, to get some more money for the Municipality. They began to prosecute those who did not pay for the license.

Dr. A. R. Menon.—Sir, "Commercial concern and that to get some more money". These words are not true. There has not been much collection, and we have to spend almost the whole of it.

Mr. E. Ikkanda Wariar.—But, Sir, they don't spend a single pie for the benefit of those who pay. I can at once submit for the information of the members of this House that they have absolutely no responsibility in the matter of the health and sanitation of any place outside the Municipal limits. They appoint a Sanitary Inspector to collect the license fees. They will not provide slaughter-houses or markets for them. People living outside the Municipal limits do not get any of the advantages of the Municipal administration, and the Municipalities have no power to provide for those advantages; that is, the Municipality has no power to spend money for the good of the people outside the Municipal limits.

There is another agency which is at work in the rural areas, I mean, the Sanitary Inspectors under the Chief Medical and Sanitary Officer. If they think that any trade carried on in any particular place is injuriously affecting the health of that place, they apply to the Government for bringing into force these provisions of the Municipal Regulation and get the permission of the Government to license it.

Thirdly, there are the Inspectors under the Factory Regulation to control and supervise the working of factories. These factories are included in schedule V of the Municipal Regulation. They came under the direct control and supervision of the Factory Inspectors appointed under sections 3, 4, and 5. Then the Chief Medical and Sanitary Officer must inspect all the factories once in a year. The Civil Surgeon of the place has to inspect these places once in 3 months and must see that they are kept clean, that no child below a certain age is employed and so on. Thus we see that, if supervision and control of the offensive trades alone is necessary, we have them exercised by the three agencies mentioned above.

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It may not be out of place to consider for a moment the peculiar position of the several Municipalities of the State with a view to see how far these powers are necessary for them. As far as Cochin is concerned, I do not think that these provisions are necessary, as it is surrounded by backwater on one side and British Cochin on the other sides where they cannot be enforced. There is also no necessity as far as the western portion of Ernakulam is concerned. If the Ernakulam Municipality wants to enforce these provisions of the Regulation, they can levy license fees from the Mattancheri Municipality and *vice versa*, and the traders in those places can be compelled to take out licenses from both the Municipalities.

President.—They are already within the Municipal limits and the levying of fees is only a recognition of the trade. When one Municipality is engaged in a trade, why should the other Municipality interfere?

Mr. E. Ikkanda Wariar.—The same principle must apply to the Village Panchayats also, and my contention is that these provisions need not be retained. The Panchayats can regulate those trades, if they require to be regulated. It cannot be presumed that the Panchayats are an irresponsible set of bodies who will not care for the welfare of the inhabitants and neglect their work. At least, they are not so now. Perhaps, they have not found it necessary to do it.

President.—Do not the Panchayats exercise these powers?

Mr. E Ikkanda Wariar.—They must be exercising these powers, if they are found necessary. Being villages with houses scattered about, these trades will not cause any nuisance, and the Panchayatdars might not have found it necessary to invoke the aid of these powers. The real test is the actual condition of those places where these trades are carried on. The analogy of British Municipalities will not help us much. There are 80 or 84 Municipalities in the Madras Presidency constituted under the District Municipalities Act. And if I remember right, it was pointed out in the last sitting, when I asked for leave to introduce this Bill, that out of these only four Municipalities are enforcing these provisions.

President.—Which are they?

Mr. E. Ikkanda Wariar.—They are Tanjore, Madura, Mangalore and Calicut.

Dr. A. R. Menon.—Are you sure of the fact?

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Mr. E. Ikkanda Wariar.— Yes, that was, if I remember right, what was said on the last occasion.

Dr. A. R. Menon.—But out of these four only three have put this Regulation in force. The other has not.

Mr. E. Ikkanda Wariar.—But that was the statement given by the Hon'ble Member for Irinjalakkuda who opposed my Bill.

Dr. A. R. Menon—You are making a very great mistake, my friend. Out of the four only three have put the Regulation in force.

Mr. E. Ikkanda Wariar.—At any rate, these three or four Municipalities will not in any way compare favourably with our Municipalities in this respect. The population of the Tanjore Municipality is 59,919, that of Madura 1,38,894 and of Calicut 82,334. But the population of our Municipalities is only about 20 to 28 thousand.

Dr. A. R. Menon.—According to the latest Census, it is only 27 thousand. The population within the Municipality of Mangalore is more than 60 thousand, and Mangalore is very thickly populated. As the area within the Municipality is very crowded, there will be a tendency on the part of the people to live outside the Municipality.

President.—Suppose it has a population of 27 thousand and a less area?

Mr. E. Ikkanda Wariar.—We ought to take all these things into consideration before we introduce such provisions in the Regulation. We know as a matter of fact that there are Municipalities in British India where these provisions are not enforced. Take, for instance, Palghat. It is a more thickly populated place than Trichur, and it has not enforced it there. If we take the particular necessities of the particular places into consideration, it can be seen that such provisions are not necessary so far as our Municipalities are concerned. No one will deny that there is absolutely no necessity for this provision for Cochin and Chittur. Chittur is surrounded by British Malabar and a large expanse of paddy lands—where these trades cannot be carried on. There are Panchayats all round the other two Municipalities who have powers to control these trades. It is not proper on our part to allow the Municipalities to encroach upon the powers of those Panchayats. It may give rise to conflict of jurisdictions and consequent trouble.

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President.—So far as Calicut and other places are concerned, are there Panchayats outside the Municipal limits?

Dr. A. R. Menon.—They have a District Board to look after these matters, and why should the Municipalities interfere?

Diwan Bahadur Dr. V. Verghese.—The District Boards have more powers than our Panchayats.

President.—But the argument of Mr. Wariar is why should Calicut interfere when they have got a District Board?

Mr. E. Ikkanda Wariar.—I do not know whether the District Boards have got the same powers which our Panchayats possess.

Dr. A. R. Menon.—Taluk Boards have got extensive powers.

President.—So far as Dr. Verghese is concerned, he was the President of the District Board, and he may be expected to know about it.

Mr. E. Ikkanda Wariar.—I don't think they have got all the powers which I have brought to the notice of the House.

Diwan Bahadur Dr. V. Verghese.—The District Board has powers both with regard to the issue of licenses and with regard to the sanitary arrangements.

Mr. E. Ikkanda Wariar.—If both these agencies compel the people to take licenses, it would certainly be an anomaly, as the people will have to pay it twice.

Dr. A. G. Menon.—If the Taluk Board interferes in one place, the Municipality will not interfere, and in the places where the Municipality interferes, the Taluk Board will not interfere and *vice versa*.

President.—Perhaps there may be an understanding between the two institutions.

Mr. E. Ikkanda Wariar.—If that is so, I may at once submit that section 172 does not give any room for any mutual understanding. It makes it obligatory on the Municipal Councils to levy license fees. If this provision is not taken away from the Municipal Regulation, it will be a source of double payment by the people living in the area within three miles outside the Municipal limits. As regards section 156, a perusal of schedule V will show that most of the trades mentioned there are not conducted at all in those places. Some of the trades are carried on as a means of livelihood by many

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poor people in these places. If they are harrassed and unnecessarily taxed, it would be a great hardship to them, and it will also be hard, if license fees are levied outside the Municipality without giving them any rights or privileges which the people in the Municipality enjoy. A coffee club situated 3 or 4 miles from Trichur perhaps, possessing articles and vessels worth not more than Rs. 2 is liable to pay a license fee of Rs. 10. The same scale of fees is adopted both within and without the Municipalities.

President.—But the fee is levied only on premises beyond and within a distance of three miles from the Municipal limits.

Mr. E. Ikkanda Wariar.—Yes, Sir. Technically, it will be only three miles. But if anybody wants to go to that place, he will have to walk or bike four or five miles by road. Another point which I wish to emphasise is that these people are not given any representation in the Municipal Councils. They are voiceless. To whom have they to complain? If they go to the Municipal Council, they will say that the levying of fees is necessary for the health of the town. It will be of no avail, if they approach the Government, as the Government have no power to interfere in these matters, although the Government is convinced that it is unjust. If from these sections the words "and within three miles outside the Municipal limits" are left out, it would be quite harmless. I say we must take the earliest opportunity to delete that from this Regulation. I have also said that there is absolutely no corresponding benefit to these people who pay. The Municipality cannot proivde any markets or slaughter-houses with sanitary requirements for them, because they cannot spend a pie from the Municipal funds for any purpose outside the Municipal limits. By leaving these two sections as they are in the statute book, we are violating the first elementary principle of taxation. I submit that it is highly unjust to levy fees from those people who have absolutely no voice in the matter. They cannot place their grievances before anybody who has power to redress them. In these circumstances, I think that the provisions relating to the three-mile limit, in section 156 and 172 of the Cochin Municipal Regulation XI of 1096, are highly vexatious and unjust, and I strongly advocate its deletion.

Mr. A. B. Salem.—If the non-official members bring in Bills, and if the Government opposes it, how can non-official members discharge their function properly.

President.—What is that function? You want to know previously what the Government is going to do. Government do not commit themselves to one view or the other.

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Dr. A. R. Menon.—How can you form an opinion without listening to the other side?

Mr. A. B. Salem.—We represent two parties here—one official and the other non-official.

President.—We will go on.

Dr. A. R. Menon.—Sir, I rise to oppose this motion, and I do it with great reluctance. His plea has been that this Regulation weighs heavily upon the poor people outside the Municipal limits within three miles, and that redress should be given to them by removing these provisions. All will agree with me in saying that the mover was actuated by the best of motives, and I do not for a moment question his intention, nor do I complain of the way in which he has presented it. He has presented the various aspects of the Bill briefly and with great moderation. Although he has studied the question thoroughly he has not made out a good case. It only shows that the cause is weak and defective. His cause is hopeless, though he made us think that there is a presentable case. Sir, these provisions of the Regulation were put into force during the time when I was the Chairman. I do not want to say a word to defend myself or my colleagues in the then Council. The new Regulation was introduced in the year 1097. A proclamation was also issued in that year. It was not enforced then for reasons best known to the Council at the time. In the next year there was another proclamation. In the following year an attempt was made to enforce these provisions. Then somehow or other the matter was taken to the court. But the agility of the legal mind was able to find out a method of escape from these provisions. What can poor lay men do against these versatile and subtle minds of the legal profession? We failed in three attempts. But subsequently we were able to get over all the difficulties and to enforce the sections of the Regulation. The year before last there was no complaint. It is only when they knew that this Regulation would be enforced that they raised a hue and cry. It was not raised by the poor but by those rich men interested in trade and commerce who, without paying rates and taxes, competed with the traders, within the Municipal limits. No doubt, the hue and cry was raised in the name of the poor, as rich men have always done in the world. That is the history of this Bill. We have not heard any representations from the poor till this about their miserable condition consequent on the enforcement of this Regulation. When this matter was discussed in the Council, we took particular care to see that, while enforcing the Regulation, the poor people were not

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made to suffer. Two Councils supported the enforcement of these provisions in the Regulation, and three of its Chairmen also held the same view. It is not proper to think that this Regulation is only intended to get a few rupees. The majority of the Councils and the Chairmen had no purpose in view in their attempt to get a few rupees from the hard earned money of the poor people outside the Municipal limits. Behind all this agitation, there is an interested party, and it is their intention to see that their interests are preserved. The Regulation under reference has got two sections. These sections are 156 and 172. Of these, one is obligatory, and the other is optional. Of course, as a matter of fact, the Chairman of the Municipal Council has a duty to see that the powers are not abused. But once the Council resolves to put the sections of the Regulation into force, the Chairman is compelled to see that the provisions are enforced effectively. It is not left to his option. The Hon'ble Member who introduced the Bill, raised the point that the people living outside the Municipal area did not get the benefits of the sanitary measures of the Municipality. The Municipal authorities are not concerned with the sanitation outside the Municipal limits, but only inside it, for which they are responsible to the public. We are only entitled to carry out the sanitation of the places within the town-limits, and we are entitled to enforce the sections under reference outside the Municipal limits. The question was asked last time, "Supposing the people carry on these dangerous and offensive trades just outside the Municipal limits, how can we prevent them? The Hon'ble mover's reply was that no such cases exist now, and they would not exist hereafter. But, as a matter of fact, there was a case outside the town limits near Arnattukara where men were carrying on such trades without license, while at Arnattukara, within the town, the traders were paying license fees. According to the present rules, markets are being rented within the Municipality. In the matter of mutton the shop-keepers pay seven rupees per month. In the case of beef and pork, they are asked to pay Rs. 4 per month. From the markets, the Trichur Municipality alone gets ten thousand rupees a year. In all civilised Municipalities, two important things that have to be attended to are sanitation and the protection of the rights and interests of the rate-payers.

The House rose for lunch at 2 p. m. The sitting was resumed after an hour.

President.—We will continue the discussion on the Municipal Regulation Amendment Bill.

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